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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,617	11/12/2003	Shinya Wada	SCEP 20.732 (100809-00225)	5866
26304 7590 12/15/2009 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER TIMBLIN, ROBERT M	
			ART UNIT 2167	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,617	Applicant(s) WADA, SHINYA	
	Examiner ROBERT TIMBLIN	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action corresponds to application 10/706,617 filed 11/12/2003.

Response to Amendment

Claims 1, 2, 10-12, 14, and 20-25 have been amended in the response filed 10/14/2009. Claim 27 has been cancelled. Accordingly, claims 1-16 and 20-26 are pending in this application.

Claim Objections

The previous claim objections have been withdrawn in light of the amendments. However, upon the presented amendments, claims 14 and 23 are objected to because a semicolon should be placed after “value” in the comparison clause to improve claim readability.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6, 9, 10, 12-14, 16, 20-22, and 26 are rejected under 35 U.S.C. 102(e) as being taught by Björn et al (‘Björn’ hereafter, U.S. Patent 6,714,222).

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With respect to claim 1, Björn teaches A file processing apparatus (601) comprising a computer processor (607), said file processing apparatus including:

an attribute input unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function wherein each unit of the present invention is taught by a specialized circuit) which acquires (col. 7 lines 55-61 wherein an attribute must be acquired for a comparison between magnets to take place) a value of an attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for at least one file (col. 5 lines 35-54 and col. 7 line 64-col. 8 line 2; e.g. a virtual magnet 107 in the context of Björn is seen as a file) from the computer processor (processor 605) in order to represent a value of a predetermined attribute for an intended file (107) as a physical weight (col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

a comparison processing unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function) which compares (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets);

a position determining unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function) which sets a relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) of a predetermined object (col. 5 line 39-40; wherein the

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magnets are represented by circular shapes with a pictogram in the center) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) represents the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) is set based on a result (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107) obtained from said comparison processing unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function); and

a display processing unit (GUI 611) which visually represents the value of the attribute (Fig. 1) in terms of whether the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) is heavy or light (col. 7 lines 58-59), wherein an initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) of the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) is set by said position determining unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function), and wherein the display processing unit (GUI 611) visually represents a virtual force (col. 7 lines 57-59; a movement according to “lighter” or “heavier) exerted on the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) in at least one direction (col. 7 line 44-45) to displace the

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predetermined object from the initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the relative display position (col. 7 line 61) within the range of motion (col. 2 line 17-19 and col. 7 line 37-52).

With respect to claim 3, Björn teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of the attribute for a plurality of files (fig. 1; e.g. a plurality of magnets), said comparison processing unit sets a value of an attribute for at least one of the plurality of files to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), said position determining unit sets relative display positions of a plurality of objects corresponding to the plurality of files (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107), respectively, and wherein said display processing unit displays the plurality of files at the respective display positions and visually represents the comparison of weights of the files via another object representative of the measurement of the weights (Fig. 1 and col. 7 lines 38-52).

With respect to claim 4, Björn teaches a file processing apparatus according to claim 3 wherein said comparison processing unit sets, as the reference value, a size of a storage area that stores at least one file (607), said position determining unit sets a relative display position of an object indicative of the storage area according to the size of the storage area, and wherein said display processing unit visually expresses the comparison of data size between the at least one file and the storage area via the another object (col. 8 lines 1-3).

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With respect to claim 5, Björn teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of an attribute for a plurality of files and said comparison processing unit classifies the plurality of files into a plurality of groups (col. 12 lines 49-51 and col. 5 lines 7-19) according to the respective values of the attribute, and wherein said display processing unit displays the object in an appearance corresponding to the respective groups as categories (fig. 1).

With respect to claim 6, Björn teaches a file processing apparatus according to claim 1, wherein said attribute input unit acquires values of an attribute for a plurality of files (col. 7 lines 55-60), said comparison processing unit classifies the plurality of files into a plurality of classes (fig. 1; e.g. “Shopping”, “Food” “Calendar”) col. 12 lines 49-51 and col. 5 lines 7-19 to teach groups as classes) and sequentially compares the values of an attribute for each class (col. 7 line 55-col. 8 line 6 that teaches comparison via interaction between magnets), wherein, after relative display positions are temporarily determined respectively as positions that initially display objects for the plurality of files (Fig. 1 and col. 7 line 10; e.g. a default position), said position determining unit sequentially updates the relative display positions in a manner such that comparison results for each class are reflected for each class, and wherein said display processing unit varies the display of the objects according to said updating after the plurality of files are displayed at the temporally determined relative display positions (col. 7 lines 38-66).

With respect to claim 9, Björn teaches a file processing apparatus according to claim 1 further including:

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an instruction receiving unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function) which receives an instruction from a user intending to change the display position of the object as an input section (col. 2 lines 17-25; e.g. a drag or tap operation to relocate an object; and

an effect generator (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function) which causes, based on the instruction, said position determining unit and said display processing unit to process a change in any of position, shape and appearance of the object (col. 2 lines 13-25; e.g. the object is relocated after the user specifies an operation to teach a change position).

With respect to claim 10 Björn teaches A method of processing files in a processing device, comprising:

acquiring a value of an attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for at least one file (col. 5 lines 35-54 and col. 7 line 64-col. 8 line 2; e.g. a virtual magnet 107 in the context of Björn is seen as a file) from a computer processor (processor 605) in order to represent a value of a predetermined attribute for an intended file (107) as a physical weight(col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

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comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets);

setting a relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) of a predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) represents the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) is set based on a result obtained from the comparison step (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107); and

visually representing the value of the attribute (Fig. 1) in terms of whether the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) is heavy or light (col. 7 lines 58-59), wherein an initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) of the predetermined object is set (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center), and wherein the visual representation comprises a virtual force (col. 7 lines 57-59; a movement according to “lighter” or

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“heavier) exerted on the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) in at least one direction to displace the predetermined object from the initial display position to the relative display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the relative display position (col. 7 line 61) within the range of motion (col. 2 line 17-19 and col. 7 line 37-52).

With respect to claim 12, Björn teaches A method of processing files in a processing device, including:

acquiring values of a predetermined attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for a plurality of intended files (Fig. 1 displaying a plurality of magnets) in order to represent the values of a predetermined attribute for the intended files (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) as a physical weight (col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets);

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setting, for each of the plurality of files, relative display positions of predetermined objects (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display positions represents the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the attribute relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), and wherein the relative display positions are set based on a result obtained from the comparison step (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107); and

visually representing the value of the attribute (Fig. 1) in terms of whether the respective physical weights (col. 3 lines 10-12 and col. 4 lines 44-45) of the predetermined objects (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) is heavy or light (col. 7 lines 58-59), wherein an initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) of each of the predetermined objects is set (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center), and wherein the visual representation comprises a virtual force (col. 7 lines 57-59; a movement according to “lighter” or “heavier”) exerted on each the predetermined objects in at least one direction (col. 7 line 44-45) to displace each of the predetermined objects from the initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the relative display position (col. 7 line 61) within the range of motion (col. 2 line 17-19 and col. 7 line 37-52).

With respect to claim 13, Björn teaches a method of processing files according to claim 12, wherein said acquiring further acquires a size of a storage area that stores at least one file (607), and said setting sets the relative display position of at least one object corresponding to the at least one file, based on a comparison result obtained by comparing a data size between the at least one object and the storage area (col. 5 lines 1-6; e.g. it is interpreted that a magnet holding several shopping lists and being displayed as "heavier" teaches that magnet occupies more storage space), and wherein said displaying and expressing represents visually the comparison result via the another object (col. 8 lines 1-3).

With respect to claim 14, Björn teaches A method of processing files in a processing device, comprising:

acquiring values of a predetermined attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for a plurality of files, in order to represent the values of a predetermined attribute for intended files (Fig. 1 displaying a plurality of magnets) in order to represent the values of a predetermined attribute for the intended files (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) as a physical weight (col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

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comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets)

setting a temporary sequence range (col. 2 line 17-19 and col. 7 line 37-52) for each of the plurality of files, said sequence range (col. 2 line 17-19 and col. 7 line 37-52) being defined by the reference value;

determining, based on the temporary sequence range (col. 2 line 17-19 and col. 7 line 37-52), a temporary display position (Fig. 1 and col. 7 line 10; e.g. a default position) of a predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) that symbolically represents one of the files in terms of whether the physical weight thereof is heavy or light (col. 7 lines 57-59; a movement according to “lighter” or “heavier”);

displaying the predetermined object that represents the one of the files, at the temporary display position on a screen (Fig. 1);

comparing the values of the predetermined attribute between adjacent files in the temporary sequence (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison);

updating the display position based on a comparison result of comparing adjacent files (col. 7 lines 55-66); and

visually representing the value of the attribute in terms of whether the respective physical weights of the predetermined objects is heavy or light (col. 7 lines 58-59), wherein the visual representation comprises a virtual force (col. 7 lines 57-59; a movement according to “lighter” or

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“heavier) exerted on the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) in at least one direction (col. 7 line 44-45) to displace the predetermined object from the temporary display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the updated display position within the sequence range (col. 2 line 17-19 and col. 7 line 37-52).

With respect to claim 16, Björn teaches a method of processing files according to claim 10, further including: acquiring an instruction from a user who intends to cause a display position of the object to be changed; and changing at least one of position, shape and appearance of the object, based on the instruction (col. 2 lines 13-25).

With respect to claim 20, Björn teaches A computer-readable recording medium which stores a program executable by a computer, the program including the functions of:

acquiring a value of an (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for at least one file (col. 5 lines 35-54 and col. 7 line 64-col. 8 line 2; e.g. a virtual magnet 107 in the context of Björn is seen as a file) from a computer processor (processor 605) in order to represent a value of a predetermined attribute for an intended file (107) as a physical weight(col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets);

setting a relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) of a predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) represents the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) is set based on a result obtained from the comparison step (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107); and

visually representing the value of the attribute (Fig. 1) in terms of whether the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) is heavy or light (col. 7 lines 58-59), wherein an initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) of the predetermined object is set (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center), and wherein the visual representation comprises a virtual force (col. 7 lines 57-59; a movement according to “lighter” or

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“heavier) exerted on the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) in at least one direction to displace the predetermined object from the initial display position to the relative display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the relative display position (col. 7 line 61) within the range of motion (col. 2 line 17-19 and col. 7 line 37-52).

With respect to claim 21, Björn teaches A computer-readable recording medium which stores a program executable by a computer, the program including the functions of:

acquiring values of a predetermined attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for a plurality of intended files (Fig. 1 displaying a plurality of magnets) in order to represent the values of a predetermined attribute for the intended files (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) as a physical weight (col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets);

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setting, for each of the plurality of files, relative display positions of predetermined objects (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display positions represents the physical weight (col. 3 lines 10-12 and col. 4 lines 44-45) of the attribute relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), and wherein the relative display positions are set based on a result obtained from the comparison step (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107); and

visually representing the value of the attribute (Fig. 1) in terms of whether the respective physical weights (col. 3 lines 10-12 and col. 4 lines 44-45) of the predetermined objects (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) is heavy or light (col. 7 lines 58-59), wherein an initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) of each of the predetermined objects is set (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center), and wherein the visual representation comprises a virtual force (col. 7 lines 57-59; a movement according to “lighter” or “heavier) exerted on each the predetermined objects in at least one direction (col. 7 line 44-45) to displace each of the predetermined objects from the initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the relative display position (col. 7 line 61) within the range of motion (col. 2 line 17-19 and col. 7 line 37-52).

With respect to claim 22, Björn teaches A computer-readable recording medium which stores a program executable by a computer, the program including the functions of:

acquiring values of a predetermined attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for a plurality of files, in order to represent the values of a predetermined attribute for intended files (Fig. 1 displaying a plurality of magnets) in order to represent the values of a predetermined attribute for the intended files (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) as a physical weight (col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets)

setting a temporary sequence range (col. 2 line 17-19 and col. 7 line 37-52) for each of the plurality of files, said sequence range (col. 2 line 17-19 and col. 7 line 37-52) being defined by the reference value;

determining, based on the temporary sequence range (col. 2 line 17-19 and col. 7 line 37-52), a temporary display position (Fig. 1 and col. 7 line 10; e.g. a default position) of a predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) that symbolically represents one of the files in terms of whether

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the physical weight thereof is heavy or light (col. 7 lines 57-59; a movement according to “lighter” or “heavier);

displaying the predetermined object that represents the one of the files, at the temporary display position on a screen (Fig. 1);

comparing the values of the predetermined attribute between adjacent files in the temporary sequence (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison);

updating the display position based on a comparison result of comparing adjacent files (col. 7 lines 55-66); and

visually representing the value of the attribute in terms of whether the respective physical weights of the predetermined objects is heavy or light (col. 7 lines 58-59), wherein the visual representation comprises a virtual force (col. 7 lines 57-59; a movement according to “lighter” or “heavier) exerted on the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) in at least one direction (col. 7 line 44-45) to displace the predetermined object from the temporary display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the updated display position within the sequence range (col. 2 line 17-19 and col. 7 line 37-52).

With respect to claim 26, Bjorn teaches the file processing apparatus according to Claim 1, wherein the attribute includes a data size (col. 8 lines 1-2; e.g. one and several shopping lists describes a data size).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Björn in view of Brosnan et al. ('Brosnan' hereafter, U.S. Patent Application 2004/0002380).

With respect to claim 23, Björn teaches A file processing apparatus comprising a computer processor, said file processing apparatus including:

an attribute input unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function wherein each unit of the present invention is taught by a specialized circuit) configured to acquire a value of an attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for at least one file (col. 5 lines 35-54 and col. 7 line 64-col. 8 line 2; e.g. a virtual magnet 107 in the context of Björn is seen as a file) from the computer processor(processor 605) in order to represent the value of the attribute as a density (density, as taught by Brosnan below), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is

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updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

a comparison processing unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function) which compares (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets)

a position determining unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function) which sets a relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) of a predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), the relative display position (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) representing the value of the attribute relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the relative display position is set based on a result (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107) obtained from said comparison processing unit (col. 3 lines 47-50; e.g. a specialized circuit performing an specialized function); and

a display processing unit (GUI 611) configured to visually represent the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) in the value of the attribute in terms of whether the density of the predetermined object is high or low (density, as taught by Brosnan below), where an initial

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display position (col. 7 line 10; e.g. a default position) set by said position determining unit, and wherein the display processing unit visually represents a virtual buoyant force (disclosed by Brosnan below) exerted on the predetermined object (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) in at least one direction (col. 7 line 44-45) to displace the predetermined object from the initial display position (Fig. 1 and col. 7 line 10; e.g. a default position) to the relative display position (col. 7 line 61) within the range of motion (col. 2 line 17-19 and col. 7 line 37-52).

Bjorn is not seen to directly teach representing the value of the attribute as a density, exerting a virtual buoyant force and further, representing whether the density of the predetermined object is high or low.

Brosnan, however, teaches representing the value of the attribute (0138; e.g. properties of an object) as a density (0073; e.g. the physical properties may include density), exerting a virtual buoyant force (0129 wherein Brosnan teaches an object moving through water and 0138 wherein Brosnan explicitly teaches buoyancy forces) and further, representing whether the density of the predetermined object is high or low (0073-0074; e.g. trajectory rules according to density that describe the motion of an object) to define a motion based upon an attribute of an object.

Accordingly, in the same field of endeavor, (i.e. representing objects in an interactive environment based upon physical properties), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the Brosnan would have given Bjorn additional and alternative methods to describe a motion of an object (i.e. such as density) for a more friendly and user interactive system to display objects based on attributes. Further, Bjorn shows a need to represent density

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(col. 8, lines 1-5) wherein they describe a magnet holding one versus a magnet holding several shopping lists (i.e. shopping lists per magnet is interpreted as a “density”) and col. 4 line 44-45 wherein they disclose a desire to display a metaphor of the physical world.

With respect to claim 24, Bjorn teaches A method of processing files in a processing device, comprising:

acquiring values of a predetermined attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for a plurality of intended files (Fig. 1 displaying a plurality of magnets) in order to represent the values of a predetermined attribute for the intended files (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) as a physical weight (col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets);

setting, for each of the plurality of files, relative display positions of predetermined objects (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7

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line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the objects represent the density (density, as taught by Brosnan below) of the attribute relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), and wherein the relative display positions are set based on a result obtained from the comparison step (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107); and

displaying the objects representing the plurality of files (fig. 1) at the respective initial (col. 7 line 10; e.g. a default position) and relative display positions (col. 7 lines 38-51; e.g. a magnet relative to another magnet) on a screen, and expressing visually a comparison of the density of the objects with each other object via a virtual buoyant force (disclosed by Brosnan below) being exerted on the predetermined objects (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) displayed on the screen in at least one direction (col. 7 line 44-45) to displace each of the objects from the initial display position to the relative display position to indicate whether each object comparatively possesses a high or low density (density, as taught by Brosnan below).

Bjorn is not seen to directly teach representing the value of the attribute as a density, exerting a virtual buoyant force and further, representing whether the density of the predetermined object is high or low.

Brosnan, however, teaches representing the value of the attribute (0138; e.g. properties of an object) as a density (0073; e.g. the physical properties may include density), exerting a virtual buoyant force (0129 wherein Brosnan teaches an object moving through water and 0138 wherein Brosnan explicitly teaches buoyancy forces) and further, representing whether the density of the

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predetermined object is high or low (0073-0074; e.g. trajectory rules according to density that describe the motion of an object) to define a motion based upon an attribute of an object.

Accordingly, in the same field of endeavor, (i.e. representing objects in an interactive environment based upon physical properties), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the Brosnan would have given Bjorn additional and alternative methods to describe a motion of an object (i.e. such as density) for a more friendly and user interactive system to display objects based on attributes. Further, Bjorn shows a need to represent density (col. 8, lines 1-5) wherein they describe a magnet holding one versus a magnet holding several shopping lists (i.e. shopping lists per magnet is interpreted as a “density”) and col. 4 line 44-45 wherein they disclose a desire to display a metaphor of the physical world.

With respect to claim 25, Bjorn teaches A computer-readable recording medium which stores a program executable by a computer, the program including the functions of:

acquiring values of a predetermined attribute (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) for a plurality of intended files (Fig. 1 displaying a plurality of magnets) in order to represent the values of a predetermined attribute for the intended files (col. 8, lines 2-6; e.g. a weight or number of shopping lists (i.e. size)) as a physical weight (col. 3 lines 10-12 and col. 4 lines 44-45), said attribute comprising at least one of: a date and time of file preparation, a date and time of file updating, an importance of the file to be set by the user, a type of file to be determined by data format or file usage, a number of times that the file is

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updated, and a parameter indicating a frequency of file updating (col. 8, lines 2-6; e.g. a weight, wherein the weight may be set by a user to teach an importance set by the user);

comparing (col. 7 lines 60-61 wherein the interaction with other magnets teaches comparison) the value of the attribute with a reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets);

setting, for each of the plurality of files, relative display positions of predetermined objects (col. 7 line 45-49; e.g. the display of another magnet relative to magnet 107) within a range of motion (col. 2 line 17-19 and col. 7 line 37-52) defined by the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), wherein the objects represent the density (density, as taught by Brosnan below) of the attribute relative to the reference value (col. 7 line 58; e.g. virtual magnet 107 which serves as a reference to other magnets), and wherein the relative display positions are set based on a result obtained from the comparison step (col. 7 line 45-49; e.g. the wherein another magnet is placed according to attraction or rejection to magnet 107); and

displaying the objects representing the plurality of files (fig. 1) at the respective initial (col. 7 line 10; e.g. a default position) and relative display positions (col. 7 lines 38-51; e.g. a magnet relative to another magnet) on a screen, and expressing visually a comparison of the density of the objects with each other object via a virtual buoyant force (disclosed by Brosnan below) being exerted on the predetermined objects (col. 5 line 39-40; wherein the magnets are represented by circular shapes with a pictogram in the center) displayed on the screen in at least one direction (col. 7 line 44-45) to displace each of the objects from the initial display position to

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the relative display position to indicate whether each object comparatively possesses a high or low density (density, as taught by Brosnan below).

Bjorn is not seen to directly teach representing the value of the attribute as a density, exerting a virtual buoyant force and further, representing whether the density of the predetermined object is high or low.

Brosnan, however, teaches representing the value of the attribute (0138; e.g. properties of an object) as a density (0073; e.g. the physical properties may include density), exerting a virtual buoyant force (0129 wherein Brosnan teaches an object moving through water and 0138 wherein Brosnan explicitly teaches buoyancy forces) and further, representing whether the density of the predetermined object is high or low (0073-0074; e.g. trajectory rules according to density that describe the motion of an object) to define a motion based upon an attribute of an object.

Accordingly, in the same field of endeavor, (i.e. representing objects in an interactive environment based upon physical properties), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the Brosnan would have given Bjorn additional and alternative methods to describe a motion of an object (i.e. such as density) for a more friendly and user interactive system to display objects based on attributes. Further, Bjorn shows a need to represent density (col. 8, lines 1-5) wherein they describe a magnet holding one versus a magnet holding several shopping lists (i.e. shopping lists per magnet is interpreted as a “density”) and col. 4 line 44-45 wherein they disclose a desire to display a metaphor of the physical world.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorn as applied to claims 1 and 10 above in view of Vaananen et al. (Vaananen hereinafter) U.S. Patent Application 2002/0175896 A1.

With respect to claim 2 and similar claim 11, Bjorn fails to teach a file processing apparatus according further including an inclination detector which detects inclination of a predetermined region in the file processing apparatus operated by a user, wherein according to the inclination detected by said inclination detector said position determining unit varies the relative display position and the direction in which the virtual force is exerted.

Vaananen, however, teaches this limitation as element 50 of figures 2 and 5 and paragraph 0078. Therein an accelerator sensor is disclosed to measure tilting movements.

It would have been obvious to one of ordinary skill in the data and display processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Vaananen would have provided Bjorn's system with the ability to vary a relative display position to obtain an easier to use user interface. Vaananen suggests in paragraph 0010 a provision of adjusting a display view in a manner as natural as possible. Bjorn suggests in column 4, lines 44-45, a need to be able to implement metaphors of the physical world and further in col. 13 line 35 that the invention can be implemented on a portable device (e.g. a Cordless Screen Phone).

Claims 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Bjorn as applied to claims 1, 3-6, 9, 10, 12-14, 16, 20-22, and 26 above further in view of Adler et al ("Adler" hereinafter) U.S. Patent 6,340,957.

With respect to claim 7 and similar claims 8 and 15, Bjorn teaches a file processing apparatus as applied to claims 1, 3-6, 9, 10, 12-14, 16, 20-22, and 26 above.

Bjorn fails to teach a file processing apparatus further including a vibration detector which detects a swaying motion at a predetermined region of the file processing apparatus operated by a user, wherein said comparison processing unit performs a comparison processing when the motion is detected, and said position determining unit updates the relative display position according to the result obtained from said comparison processing unit.

Adler, however, teaches these limitations from at least (col. 15 lines 15-22). Therein displayed data is manipulated according to vibration for accessing and managing data in a straightforward manner.

It would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because this feature of Adler would have satisfied Bjorn's need for accessing and managing data in a natural manner which is needed by Bjorn (column 4 lines 44-45) for the benefit of displaying relationships between files in a user friendly display.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

Summarily, the amendments including limitations such as representing a physical weight and further the displacement of a predetermined object by a virtual force within a range of motion does not appear to be expressly taught in the primary reference, Aoki. Therefore, Aoki

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has been withdrawn. However, upon the new grounds of rejection presented above, Bjorn teaches the claims as amended. Examiner submits the arguments presented in the response of 10/14/2009 are moot in view of the new ground of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-Th 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT TIMBLIN/

Examiner, Art Unit 2167

/John R. Cottingham/

Supervisory Patent Examiner, Art Unit 2167